

Women in Judiciary

Introduction

The participation of women in the judiciary is a crucial indicator of gender equality in a nation's legal and judicial systems. In India, the journey of women in the judiciary has been marked by significant milestones and formidable challenges.

The history of women in the Indian judiciary is relatively recent, with the first female judge, Anna Chandy, appointed to the Kerala High Court in 1959. The Supreme Court of India saw its first female judge, Justice Fathima Beevi, in 1989. These pioneering appointments marked the beginning of women's formal entry into the higher echelons of the judiciary. However, their presence remained sparse, reflecting broader societal norms and gender biases.

Current Status of Women in the Judiciary

Representation in Higher Judiciary

As of 2024, the representation of women in the higher judiciary, including the Supreme Court and High Courts, remains alarmingly low. The Supreme Court has had only a handful of female judges since its inception. The situation in the High Courts is slightly better but still far from satisfactory. As of recent data, women constitute less than 15% of the total judges in the High Courts of India.

Representation in Lower Judiciary

The lower judiciary, comprising district and subordinate courts, reflects a slightly better gender ratio. Women judges are more prevalent at this level, but they still face significant challenges in terms of career progression and professional recognition. Despite a relatively higher presence, the overall impact on the judicial process and decision-making remains limited.

Constitutional Provisions

Indian Constitution enshrines the principles of equality and non-discrimination. Article 14 guarantees equality before the law, while Article 15 prohibits discrimination on various grounds, including sex. Furthermore, Article 39(a) and Article 39(d) of the Directive Principles of State Policy emphasise the state's responsibility to ensure equal opportunities and pay for men and women.

Despite these constitutional provisions, specific laws or quotas to ensure women's representation in the judiciary are absent. The judiciary relies primarily on merit-based appointments, overseen by the collegium system for higher judiciary appointments, which has been criticised for its lack of transparency and inclusivity.

Challenges Faced by Women in the Judiciary

Institutional Barriers

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Institutional barriers pose a significant challenge to women in the judiciary. The lack of gender-sensitive policies and practices within the judicial system hampers the entry and growth of women. Recruitment processes, career advancement opportunities, and workplace environment often do not favour women, leading to their underrepresentation.

Societal Norms and Expectations

Societal norms and expectations play a crucial role in shaping the career trajectories of women in the judiciary. The traditional roles assigned to women as primary caregivers often clash with the demanding nature of judicial work. This societal pressure restricts many capable women from pursuing or excelling in a judicial career.

Work-Life Balance

Maintaining a work-life balance is particularly challenging for women judges. The demanding nature of judicial responsibilities, coupled with societal expectations of managing household duties, creates a dual burden. This often leads to early burnout or the decision to opt for less demanding roles within the judiciary.

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Gender Bias and Discrimination

Gender bias and discrimination, both overt and subtle, are pervasive issues in the judiciary. Women judges often face biases from their male counterparts, litigants, and even within the institutional framework. This discrimination manifests in various forms, including lack of respect, questioning of authority, and differential treatment in professional settings.

Way Forward

Policy Reforms

Implementing comprehensive policy reforms is imperative to enhance the representation of women in the judiciary. Gender-sensitive recruitment processes, reservation policies, and targeted mentorship programs can play a crucial role in bridging the gender gap. Additionally, ensuring equal opportunities for career advancement and creating a supportive work environment are essential steps.

Gender Sensitization

Gender sensitization programs aimed at changing the mindset of the judiciary and the legal fraternity are crucial. These programs should focus on eliminating biases, promoting gender equality, and fostering a respectful and inclusive workplace culture. Sensitising male judges and lawyers about the challenges faced by their female counterparts can lead to a more supportive and equitable professional environment.

Encouraging Legal Education

Promoting legal education among women and encouraging them to pursue judicial careers is essential. Scholarships, mentorship programs, and awareness campaigns can motivate more women to enter the legal profession. Law schools and universities should also focus on creating an inclusive environment that supports the aspirations of female students.

Networking and Support Systems

Building strong networks and support systems for women in the judiciary can provide much-needed professional and emotional support. Women's judicial associations, peer mentoring, and networking events can help women judges share experiences, seek guidance, and build solidarity. Such platforms can also advocate for policy changes and raise awareness about gender issues within the judiciary.

Conclusion

The inclusion of women in the judiciary is imperative for fostering a balanced and equitable legal system. Despite notable milestones, such as the appointments of Justice Fathima Beevi and Anna Chandy, the overall representation of women in the Indian judiciary remains disappointingly low. This underrepresentation is not merely a statistical concern but a reflection of broader societal and institutional biases that need urgent addressing.

To truly realise the potential of a diverse judiciary, a comprehensive approach is required. Policy reforms that ensure gender-sensitive recruitment and promotion practices are critical. These reforms must be complemented by robust gender sensitization programs aimed at dismantling deep-seated biases within the judicial system. Furthermore, encouraging more women to pursue

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careers in law through scholarships, mentorship, and supportive educational environments is essential for long-term change.

